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State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

March 3, 2016

Jason Rickabaugh
jasonpr@gmail.com
By electronic mail only

Subject: Response to Citizen Comments, Geneva Rock Products, Point of the Mountain (South Hansen) and Sage Canyon Quarries, M/035/0026 and M/09/0071, Salt Lake and Utah Counties, Utah

Dear Mr. Rickabaugh:

Included with this letter is a table with responses to comments received by the Division of Oil, Gas and Mining relative to the Point of the Mountain and Sage Canyon mines. I hope these responses adequately address your questions and concerns, at least as well as the Division is able to do so within the scope of its authority.

One of the responses asks for clarification. Please let us know specifically how this relates to the mine plans.

Please contact the project leads, Leslie Heppler and April Abate, at 801-538-5257 or 801-538-5214, or by e mail at lheppler@utah.gov or aprilabate@utah.gov, respectively, or me at 801-538-5261 or by e mail at paulbaker@utah.gov with further questions.

Sincerely,

Paul Baker
Minerals Program Manager

PBB: eb

Enclosure: Table with responses

cc: Hollie Brown

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COMMENTS
Point of the Mountain M/035/0026

Comment Number	Sheet/Page/Map/Table	Comments	Initials	Reply	Initials
1-PM	Map 01/12 2016	The disturbance on the last document submitted to the division for M0350026 is inaccurate at best and may be an attempt to hide the encroachment into improperly zoned land in Draper City. I believe they would have to put back a few layers of Sage Canyon and SO Hansen to do that. The submission of the document with inaccuracies may be a crime of providing false information to the DOGM.	JR	The Division sent a request on February 1, 2016 to the Operator requesting additional information on the map that was submitted by the Operator on January 12, 2016.	lah
2-PM		Development of Roads on alluvial fan ridges for use in Sage Canyon in SO Hansen mine. Are the lands bonded? Should they be bonded by both mines?	JR	The Division sent a request on February 1, 2016 to the Operator requesting additional information on the road.	lah
3-PM		Accuracy of elevation on map submission 1/12/2016. The division has a requirement for 1H:1V highwalls. The contours indicated on the map show over 300 vertical feet of change in less than 200 horizontal feet. The summit of the hill was at 5800'.	JR	The small area labeled as 2.09 Acre Area is steeper than 1H:1V. Additional submissions might be required by the operator based on the final configuration of both permits. The 1H:1V requirement is for a toe to crest slope.	lah
4-PM		The operator is not zoned nor does it have a land disturbance permit in Draper. They have no right to disturb the land. They can not claim non-conforming use since they have never had a permission to use the mineral rights on the land and Sand and Gravel were not separated from mineral rights until 1987 after Draper was incorporated. Allowing the operator to continue operations may cause further irreparable damage to lands in Draper Utah.	JR	There are currently ongoing discussions between the operator and the City of Draper. The Division cooperates with other agencies and has authority to enforce the Utah Mined Land Reclamation Act and its associated regulations.	lah pbb
5-PM		Operator does not have a conditional use permit to blast. The operator has blasted in the past. The intensity of the blasting has increased with the use of drilling and blast patterns. The operator has used blasting on lands that had no prior use of mining. Many of these issues may be in violations of Draper land use codes and may be illegal non-conforming use.	JR	There are currently ongoing discussions between the operator and the City of Draper. The operator has included a commitment to monitor seismic vibration.	lah pbb

Comment Number	Sheet/Page/Map/Table	Comments	Initials	Reply	Initials
6-PM	NOI 2009 pg. 53 #1	The operator has not provided documentation promised in the NOI concerning zoning in Draper Utah.	JR	There are currently ongoing discussions between the operator and the City of Draper. The Division will request the documentation from Draper City. The documentation mentioned in the NOI may not exist.	lah pbb
7-PM		Failure to identify Trust Lands (SITLA) as mineral rights holder.	JR	The Division has requested updated mineral rights information from the operator.	lah
6-SG		Improperly reclaimed lands. The operator has identified reclaimed lands adjacent to SL Co Flight Park and Metro Water. The slope of this land from aerial photos appears to exceed the divisions 1H:1V highwall requirement. Sections of the reclaimed areas appear to be undermined.	JR (from M/049/0071)	This area is in Salt Lake County and has not been reclaimed.	lah

COMMENTS
Sage Canyon M/049/0071

Comment Number	Sheet/Page/Map/Table	Comments	Initials	Reply	Initials
1-SG	Map 01/12 2016	The disturbance on the last document submitted to the division for M0350026 is inaccurate at best. The aerial photo with map overlay submitted does not show the disturbance on the former radio equipment property. New aerial photos from Nov 2015 show that the disturbance extends through the former radio equipment property and has affected the vertical elevation of the summit of the hill.	JR	Geneva Rock is required under rule R647-4-121.2 to submit an up-to-date disturbance as part of their annual reporting requirements. Annual reports are due Jan. 31. As such, the Division has just received this information at this same time as this request was received and has not as of this date reviewed it.	

Comment Number	Sheet/Page/Map/Table	Comments	Initials	Reply	Initials
2-SG		Development of Roads on alluvial fan ridges for use in Sage Canyon in SO Hansen mine. Are the lands bonded? Should they be bonded by both mines?		Roads are not itemized in the surety calculations but they are included as part of the disturbed acreage requiring reclamation. The only exception to this is if an operator requests to leave a road in place as part of the post-mine land use, then they would have to apply for a variance and receive approval by the Division. A road cannot be bonded under both permits. This would result in double bonding the operator for the same road. Also see comments about this issue under the Point of the Mountain quarry.	pbb
3-SG		The NOI for Sage Canyon state's that the operator will be using blasting. The current land use does not allow for blasting. It is my understanding that they do not have a conditional use permit. Have they blasted? Are they blasting?		Blasting is regulated by the Mine Safety and Health Administration (MSHA). The MSHA field office is located at 125 S. State Street, Rm. 8220 SLC. A blasting procedure has been outlined under section R647-4-106.3 of the Notice. The Division does regulate public safety hazards that could derive from blasting under rule R647-4-107.1. The Division does not enforce the terms of city or county conditional use permits.	
-SG		In accurate statement in 2009 NOI 110.1. The current land use for part of the mine is Planned Community and does not allow for mining.		The Division will require the operator to clarify the zoning requirements as they relate to the mine plan. The Division enforces the Utah Mined Land Reclamation Act and associated regulations. Zoning issues should be taken up with Lehi City.	

Comment Number	Sheet/Page/Map/Table	Comments	Initials	Reply	Initials
5-SG		Fraud concerning post mining land use. The operator entered into a reclamation contract with the division. Section 110.1 of the NOI states they will be using the land for a residential development. The permit for Lehi calls for roads, parks, and utilities. There is no way to build the proposed units, roads, utilities, or parks. This is due to the operator's inability to remove improperly zoned lands in Draper. The operator in the adjacent mine also plans on mining the SO Hansen mine for an additional 50-75 years. The Sage Canyon excavation was supposed to be completed in 30 years. The housing developer who has financial dealings with the mine operator also did not contest the expansion of SO Hansen mine showing their intent was never to realize a housing development of 700 units in the specified time.		Please clarify the question. The Division is aware of ongoing discussion between the operator and Draper City concerning mining and zoning, so at this point it is impossible to know what the eventual mine plan will be for the Point of the Mountain quarry and how this might affect operations in Sage Canyon.	
6-SG		Improperly reclaimed lands. The operator has identified reclaimed lands adjacent to SL Co Flight Park and Metro Water. The slope of this land from aerial photos appears to exceed the divisions 1H:1V highwall requirement. Sections of the reclaimed areas appear to be undermined.		The area in question is in Salt Lake county, and the comment is addressed under the responses for the Point of the Mountain quarry.	
7-SG	M049007 1/2009/Outgoing/0002.pdf	Failure to notify county zoning authority. The operator filed to notify Salt Lake of their intent to mine in Sage Canyon.		It is the Division's responsibility to notify Salt Lake County planning of the mine approval in Sage Canyon, not the responsibility of Geneva Rock. The Division will take corrective action on this matter and notify Salt Lake County.	